

REMARKS

Claims 1-12, 15-27, and 31-34 were presented for examination and were rejected. The applicant respectfully requests reconsideration in light of the amendments and the following comments.

Claims 10 and 33 have been canceled, without prejudice, and the applicant reserves the right to re-add the canceled claims to this or another application.

The claims as originally filed included reference signs. The claims have been amended to omit the reference signs, in order to make the claims more easily read and comprehended. No substantive change in the scope of the claims is desired or intended by this change.

35 U.S.C. 112 Rejection of Claim 1-12, 15-17, and 31-34

Claims 1-12, 15-17, and 31-34 have been rejected under 35 U.S.C. 112, Second Paragraph. The applicant respectfully submits that the claims amendments overcome the rejections.

Amended claim 1 recites:

1. An apparatus for therapeutic treatment of a patient using magnetic fields comprising:
 - a first device for production of a first magnetic treatment field within a first treatment area;
 - a second device for production of a second magnetic treatment field within a second treatment area;
 - a rest for the patient to lie on, in such a manner that a body region of the patient to be treated is positioned in the first treatment area once the patient is in place on the apparatus and the apparatus is in an operating position; and
 - a first cantilever arm and a second cantilever arm, the first cantilever arm and the second cantilever arm projecting out of the plane defined by the rest, with the first device being arranged on the first cantilever arm in order to produce the first magnetic treatment field and the second device being arranged on the second cantilever arm, with the apparatus having a movement device on which the first and second cantilever arms are suspended, in order to move the first and second devices essentially along the body axis of the patient, and with the movement device having at least one rail, which is attached to the rear face of the rest, and with the first and second cantilever arms being attached to a carriage which is arranged on the at least one rail such that it can move along the rest.

In amended claim 1, proper antecedent basis has been established for the "second cantilever arm". Support for this and related changes can be found in previous claim 10, which is now canceled.

In amended claim 9, "the first cantilever arm" now has proper antecedent basis established in claim 1.

In amended claims 31, 32, and 34, the term "injected" is no longer used.

Claim 33 has been canceled.

35 U.S.C. 102 Rejection of Claims 31-34

Claims 31-34 were rejected under 35 U.S.C. 102(b) as being anticipated by Markoll, U.S. Patent 6,447,440. The applicant respectfully submits that the amendments to the claims overcome the rejection.

Amended claim 31 recites:

31. A method for therapeutic treatment of jaw arthrosis, periodontitis, degenerative jawbone changes or to assist the ingrowth of implants of a living body, the method comprising *treating the living body by using the apparatus of claim 1*.

[emphasis added]

Claim 31, as well as claims 32 and 34, has been made dependent on claim 1. As stated in the Office action, claim 1 would be allowable if amended to overcome the 35 U.S.C. 112, Second paragraph rejection. The applicant has amended claim 1 accordingly, as discussed above. Furthermore, claim 33 has been canceled. Therefore, the applicant respectfully submits that the rejection of claims 31-34 has been overcome.

35 U.S.C. 102 Rejection of Claim 33

Claim 33 was rejected under 35 U.S.C. 102(b) as being anticipated by Markoll, U.S. Patent 5,669,868. The applicant has canceled claim 33.

Request for Reconsideration Pursuant to 37 C.F.R. 1.111

Having responded to each and every ground for objection and rejection in the last Office action, the applicant respectfully requests reconsideration of the instant application pursuant to 37 CFR 1.111 and requests that the Examiner allow all of the pending claims and pass the application to issue.

If there are remaining issues, the applicant respectfully requests that Examiner telephone the applicant's attorney so that those issues can be resolved as quickly as possible.

Respectfully,
Axel Muntermann

By Jason Paul DeMont

Jason Paul DeMont
Reg. No. 35,793
Attorney for Applicants
732-687-7990

DeMont & Breyer, L.L.C.
Suite 250
100 Commons Way
Holmdel, NJ 07733
United States of America